



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XI

#### STATUTORY UNDERTAKERS

##### *Extinguishment of rights of statutory undertakers, etc.*

#### **273 Notice for same purposes as ss. 271 and 272 but given by undertakers to developing authority.**

- (1) Subject to the provisions of this section, where land has been acquired or appropriated as mentioned in section 271(1), and—
- (a) there is on, under or over the land any apparatus vested in or belonging to statutory undertakers; and
  - (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development,

the undertakers may serve on the acquiring or appropriating authority a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.

- (2) No notice under this section shall be served later than 21 days after the beginning of the development of land which has been acquired or appropriated as mentioned in section 271(1).
- (3) Where a notice is served under this section, the authority on whom it is served may, before the end of the period of 28 days from the date of service, serve on the statutory undertakers a counter-notice—
- (b) specifying the grounds of their objection.
- (4) If no counter-notice is served under subsection (3), the statutory undertakers shall, after the end of that period, have the rights claimed in their notice.

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- (5) If a counter-notice is served under subsection (3), the statutory undertakers who served the notice under this section may either withdraw it or may apply to the Secretary of State and the appropriate Minister for an order under this section conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it expedient to confer on them.
- (6) Where, by virtue of this section or of an order of Ministers under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the acquiring or appropriating authority for the works to be carried out by that authority, under the superintendence of the undertakers, instead of by the undertakers themselves.
- (7) In subsection (1)(a), the reference to apparatus vested in or belonging to statutory undertakers shall include a reference to [<sup>F1</sup>electronic communications apparatus] kept installed for the purposes of [<sup>F2</sup>an electronic communications code network] .
- (8) For the purposes of subsection (7), in this section—
- (a) references (except in subsection (1)(a)) to statutory undertakers shall have effect as references to the operator of any such [<sup>F3</sup>network] ; and
  - (b) references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.

#### Textual Amendments

- F1** Words in s. 273(7) substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\), ss. 406, 411, Sch. 17 para. 103\(1\)\(f\)\(2\)\(c\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with transitional provisions in [arts. 3-6](#)); [S.I. 2003/3142, arts. 1\(2\), 3\(2\)](#) (with art. 11)
- F2** Words in s. 273(7) substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\), ss. 406, 411, Sch. 17 para. 103\(1\)\(f\)\(2\)\(b\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with transitional provisions in [arts. 3-6](#)); [S.I. 2003/3142, arts. 1\(2\), 3\(2\)](#) (with art. 11)
- F3** Word in s. 273(8) substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\), ss. 406, 411, Sch. 17 para. 103\(1\)\(f\)\(2\)\(e\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with transitional provisions in [arts. 3-6](#)); [S.I. 2003/3142, arts. 1\(2\), 3\(2\)](#) (with art. 11)

#### Modifications etc. (not altering text)

- C1** Ss. 271-274 applied (with modifications) (19.12.2007) by [The Felixstowe Dock and Railway Company \(Land Acquisition\) Order 2007 \(S.I. 2007/3345\), art. 10, Sch. 2 Pt. 1](#)
- C2** Ss. 271-274 applied (with modifications) (23.8.2007) by [The Docklands Light Railway \(Capacity Enhancement and 2012 Games Preparation\) Order 2007 \(S.I. 2007/2297\), art. 33, Sch. 8 para. 1](#) (with [arts. 3\(6\), 12\(3\)](#))
- C3** Ss. 271-274 applied (19.3.2007) by [The Ouseburn Barrage Order 2007 \(S.I. 2007/608\), art. 45, Sch. 5 para. 1](#)
- C4** Ss. 271-274 applied (with modifications) (7.3.1995) by [S.I. 1995/519, art. 28\(5\), Sch. 5](#)  
Ss. 271-273 applied (with modifications) (18.12.1996) by [1996 c. 61, s. 8\(1\)-\(3\)](#)  
Ss. 271-274 applied (with modifications) (11.11.1996) by [S.I. 1996/2714, art. 48, Sch. 9 para. 1](#)  
Ss. 271-274 applied (with modifications) (10.2.1997) by [S.I. 1997/264, art. 28, Sch. 9 para. 1](#)  
Ss. 271-274 applied (with modifications) (21.5.1997) by [S.I. 1997/1266, art. 36, Sch. 10 para. 1](#)  
Ss. 271-274 applied (with modifications) (27.8.1998) by [S.I. 1998/1936, art. 41, Sch. 10 para. 1](#)  
Ss. 271-274 applied (with modifications) (3.6.1999) by [S.I. 1999/1555, art. 11, Sch. 2 paras. 1-5](#)

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- Ss. 271-274 applied (with modifications) (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 paras. 1-5**
- Ss. 271-274 applied (with modifications) (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**
- Ss. 271-274 applied (with modifications) (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**
- Ss. 271-274 applied (24.12.1999) by S.I. 2000/428, art. 26, **Sch. 4** (with art. 27, Sch. 5)
- Ss. 271-274 applied (with modifications) (29.3.2001) by S.I. 2001/1347, art. 35, **Sch. 9 para. 1**
- Ss. 271-274 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
- Ss. 271-274 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**
- Ss. 271-274 applied (with modifications) (9.11.2001) by S.I. 2001/3682, art. 33, **Sch. 9 para. 1**
- C5** Ss. 271-274 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), art. 35, **Sch. 5 para. 1** (with art. 38)
- Ss. 271-274 applied (with modifications) (30.4.2002) by The Heathrow Express Railway Extension Order 2002 (S.I. 2002/1064), art. 28, **Sch. 3 para. 1**
- Ss. 271-274 applied (with modifications) (30.4.2002) by The Piccadilly Line (Heathrow T5 Extension) Order 2002 (S.I. 2002/1065), art. 24, **Sch. 6 para. 1-6**
- Ss. 271-274 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), arts. 9, 10, 31, 36, **Sch. 10 para. 1**
- Ss. 271-274 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), arts. 9, 10, 26, 29, **Sch. 5 para. 1**
- Ss. 271-274 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), art. 41, **Sch. 12 para. 1** (with art. 40)
- Ss. 271-274 applied (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)
- Ss. 271-274 applied (12.1.2004) by The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 (S.I. 2003/3364), arts. 7, 8, 25, **Sch. 6 para. 1**
- S. 273 applied (with modifications) (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), art. 39, **Sch. 12 para. 1**, Sch. 13 para. 42 (with art. 38)
- Ss. 271-274 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 10, 35, 41, **Sch. 12 para. 1**, Sch. 16 para. 2
- Ss. 271-274 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), art. 30, **Sch. 4 para. 1** (with art. 38)
- C6** Ss. 271-274 applied (with modifications) (28.1.2005) by The East Midlands Parkway Station (Land Acquisition) Order 2005 (S.I. 2005/8), art. 13, **Sch. 2**
- Ss. 271-274 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 11, 40, 64, **Sch. 11 para. 1** (with arts. 65, 66, Sch. 12 para. 2)
- Ss. 271-274 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), art. 49, **Sch. 10 para. 1** (with art. 51)
- Ss. 271-274 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), art. 26, **Sch. 7 para. 1(1)** (with art. 30)
- Ss. 271-274 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), art. 45, **Sch. 7 para. 1(1)** (with art. 47)
- Ss. 271-274 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 8, 9, 30, 48, **Sch. 10 para. 1** (with art. 50)
- S. 273 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 5, 7, 47, **Sch. 11 para. 1** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
- Ss. 271-274 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 39, 40, 44, **Sch. 9 para. 1**, Sch. 10 para. 3(2), Sch. 14 para. 3(5) (with arts. 3(5), 15(3))
- Ss. 271-274 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 8, 10, 32, 50, 51, **Sch. 10 para. 1**, Sch. 11 para. 20 (with art. 52)

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- Ss. 271-274 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 7, 8, 44, **Sch. 8 para. 1** (with art. 40, Sch. 7 para. 12)
- Ss. 271-274 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 10, 31, 36, 40, **Sch. 11 para. 1**, Sch. 15 para. 2 (with art. 43)
- Ss. 271-274 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), art. 46, **Sch. 9 para. 1(1)** (with arts. 34, 35(2))
- Ss. 271-274 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), art. 46, **Sch. 10 para. 1**
- C7** Ss. 271-273 applied (with modifications) (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(1)-(3)**
- C8** Ss. 271-274 applied (with modifications) (21.5.2008) by The Teesport (Land Acquisition) Order 2008 (S.I. 2008/1238), art. 10, **Sch. 2**
- C9** Ss. 271-274 applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), art. 64, **Sch. 11 para. 1**
- C10** Ss. 271-274 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), art. 45, **Sch. 9 para. 1** (with art. 36(3))
- C11** Ss. 271-274 applied (with modifications) (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 11, 41, 67, **Sch. 11 para. 1** (with Sch. 12 para. 2)
- C12** Ss. 271-274 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 8, 29, 31, **Sch. 8 para. 1**
- C13** Ss. 271-274 applied (with modifications) (28.10.2009) by The Network Rail (Reading) (Land Acquisition) Order 2009 (S.I. 2009/2728), art. 18, **Sch. 6**
- C14** Ss. 271-274 applied (with modifications) (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), art. 30, **Sch. 8 para. 1**
- C15** Ss. 271-274 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), art. 1, **Sch. 9 para. 1** (with art. 51, Sch. 9 para. 54(3), Sch. 10 paras. 68, 85)
- C16** Ss. 271-274 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), art. 1, **Sch. 11 para. 1**
- C17** Ss. 271-274 applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), art. 1, **Sch. 6 para. 1** (with arts. 46-48, Sch. 8 para. 18)
- C18** Ss. 271-274 applied (12.8.2012) by The Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012 (S.I. 2012/1924), art. 1, **Sch. 2**
- C19** Ss. 271-274 applied (with modifications) (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), art. 1, **Sch. 13 para. 1** (with art. 42(2))
- C20** Ss. 271-274 applied (with modifications) (28.3.2013) by The Network Rail (Seaham Level Crossing) Order 2013 (S.I. 2013/533), art. 1, **Sch. para. 1**
- C21** Ss. 271-274 applied (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **35** (with arts. 48, 68, 79)
- C22** Ss. 271-274 applied (with modifications) (16.4.2013) by The Network Rail (Pont Briwet) (Land Acquisition) Order 2013 (S.I. 2013/767), art. 1, **Sch. 4 para. 1** (with arts. 20, 21, Sch. 4 para. 6)
- C23** S. 273(8)(b): transfer of functions (13.4.2011) by Transfer of Functions (Media and Telecommunications etc.) Order 2011 (S.I. 2011/741), arts. 1(2), 3, **Sch. 1** (with art. 5)

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